

1 LAW OFFICES OF STEPHEN M. MURPHY
 2 STEPHEN M. MURPHY (SBN # 103768)
 3 JEREMY A. GRAHAM (SBN # 234166)
 4 180 Montgomery Street, Suite 940
 San Francisco, CA 94104
 Tel: (415) 986-1338
 Fax: (415) 986-1231

5 LAW OFFICES OF DAVID M. PORTER
 6 DAVID M. PORTER (SBN # 124500)
 7 44 Montgomery Street, Suite 2500
 San Francisco, CA 94104
 Tel: (415) 982-8600
 Fax: (415) 391-7808

8 Attorneys for Plaintiff
 9 CHRISTINE DOUGHERTY

10
 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 CHRISTINE DOUGHERTY,) NO. C 07-01140 MHP
 15)
 Plaintiff,)
 v.)
 18 AMCO INSURANCE COMPANY)
 and DOES ONE through TWENTY,)
 Inclusive,)
 Defendants.)
 _____)
 Date: May 12, 2008
 Time: 2:00 p.m.
 Judge: Hon. Marilyn Hall Patel
 Dept.: 15

PLAINTIFF'S OBJECTION, NOTICE OF MOTION AND MOTION TO STRIKE DECLARATIONS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT, FOR FAILURE TO COMPLY WITH GENERAL ORDER NO. 45; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on May 12, 2008 at 2:00 p.m., or as soon thereafter as the matter may be heard, in Department 15 of the above-entitled Court

located at 450 Golden Gate Avenue, San Francisco, CA 94102, the plaintiff will present the following motion:

MOTION TO STRIKE DECLARATIONS IN SUPPORT OF MOTION FOR
FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE,
PARTIAL SUMMARY JUDGMENT, FOR FAILURE TO COMPLY
WITH GENERAL ORDER NO. 45

The motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, all pleadings, declarations, and exhibits previously filed herein, and upon such further argument, evidence, and authority as may be presented hereafter in its support.

Dated: April 7, 2008

LAW OFFICES OF STEPHEN M. MURPHY

By: /s/ Stephen M. Murphy
STEPHEN M. MURPHY
Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant filed its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment electronically on March 19, 2008. Defendant's motion and all supporting declarations and attachments were filed using the ECF password of defendant's attorney Julian J. Pardini. (Documents filed as Docket Nos. 45-51.)

General Order No. 45 issued by this Court, "Electronic Case Filing," Section X, "Signatures," Subsection B, "Others," states as follows:

In the case of a Signatory who is not an ECF User, or who is an ECF User but whose User ID and Password will not be utilized in the electronic filing of the document, as in the case of documents requiring multiple signatures, the filer of the document shall list thereon all the names of any other signatory or signatories. **The filer shall attest that concurrence in the filing of the document has been obtained from each of the other signatories, or from the single signatory (in the case, e.g., of a declaration) which shall serve in lieu of their signature(s) on the document.** The filer's attestation may be incorporated in the document itself, or take the form of a declaration to be

1 attached to the document. The filer shall maintain records
 2 to support this concurrence for subsequent production for
 3 the court if so ordered or for inspection upon request by a
 4 party until one year after final resolution of the action
 (including appeal, if any). The filer may attach a scanned
 5 image of the signature page(s) of the document being
 electronically filed in lieu of maintaining the paper record for
 6 subsequent production if required.

7 (emphasis added).

8 Despite the clear instructions provided in the Order, defendant failed to file the
 9 required attestation for the supporting declarations of Jeffrey Mangone, Darbie
 Hoffman, and Renton Rolph.

10 Plaintiff originally filed this action in California state court. Defendant removed
 11 the case to this United States District Court based solely on diversity of citizenship.
 12 Nonetheless, as this Court is aware, defendant has repeatedly shown that it is either
 13 unable or unwilling to familiarize itself with the rules and standing orders of its chosen
 jurisdiction.

14 For the foregoing reasons, plaintiff objects to and requests that this Court strike
 15 the Declaration of Jeffrey Mangone in Support of Defendant AMCO Insurance
 16 Company [sic.] Motion for Summary Judgment, or in the Alternative, Partial Summary
 17 Judgment, the Declaration of Darbie Hoffman in Support of Defendant AMCO
 18 Insurance Company [sic.] Motion for Summary Judgment, or in the Alternative, Partial
 19 Summary Judgment, and the Declaration of Renton Rolph, Esq. in Support of
 20 Defendant AMCO Insurance Company [sic.] Motion for Summary Judgment, or in the
 21 Alternative, Partial Summary Judgment together with all exhibits and attachments
 22 thereto.

23 Dated: April 7, 2008

LAW OFFICES OF STEPHEN M. MURPHY

25 By: /s/ Stephen M. Murphy
 26 STEPHEN M. MURPHY
 Attorney for Plaintiff